

1                                   BEFORE THE ARIZONA MEDICAL BOARD

2           In the Matter of

3           **DONOVAN J. ANDERSON, M.D.**

4           License No. 13491

5           For the Practice of Allopathic Medicine  
6           In the State of Arizona.

Case No. MD-08-0900A

**CONSENT AGREEMENT FOR  
LETTER OF REPRIMAND**

7                                   **CONSENT AGREEMENT**

8           By mutual agreement and understanding, between the Arizona Medical Board  
9           ("Board") and Donovan J. Anderson, M.D. ("Respondent"), the parties agree to the  
10          following disposition of this matter.

11          1.     Respondent has read and understands this Consent Agreement and the  
12          stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement").  
13          Respondent acknowledges that he has the right to consult with legal counsel regarding  
14          this matter.

15          2.     By entering into this Consent Agreement, Respondent voluntarily  
16          relinquishes any rights to a hearing or judicial review in state or federal court on the  
17          matters alleged, or to challenge this Consent Agreement in its entirety as issued by the  
18          Board, and waives any other cause of action related thereto or arising from said Consent  
19          Agreement.

20          3.     This Consent Agreement is not effective until approved by the Board and  
21          signed by its Executive Director.

22          4.     The Board may adopt this Consent Agreement or any part thereof. This  
23          Consent Agreement, or any part thereof, may be considered in any future disciplinary  
24          action against Respondent.

25          5.     This Consent Agreement does not constitute a dismissal or resolution of  
                other matters currently pending before the Board, if any, and does not constitute any

1 waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any  
2 other pending or future investigation, action or proceeding. The acceptance of this  
3 Consent Agreement does not preclude any other agency, subdivision or officer of this  
4 State from instituting other civil or criminal proceedings with respect to the conduct that is  
5 the subject of this Consent Agreement.

6 6. All admissions made by Respondent are solely for final disposition of this  
7 matter and any subsequent related administrative proceedings or civil litigation involving  
8 the Board and Respondent. Therefore, said admissions by Respondent are not intended  
9 or made for any other use, such as in the context of another state or federal government  
10 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or  
11 any other state or federal court.

12 7. Upon signing this agreement, and returning this document (or a copy thereof)  
13 to the Board's Executive Director, Respondent may not revoke the acceptance of the  
14 Consent Agreement. Respondent may not make any modifications to the document. Any  
15 modifications to this original document are ineffective and void unless mutually approved  
16 by the parties.

17 8. If the Board does not adopt this Consent Agreement, Respondent will not  
18 assert as a defense that the Board's consideration of this Consent Agreement constitutes  
19 bias, prejudice, prejudgment or other similar defense.

20 9. This Consent Agreement, once approved and signed, is a public record that  
21 will be publicly disseminated as a formal action of the Board and will be reported to the  
22 National Practitioner Data Bank and to the Arizona Medical Board's website.

23 10. If any part of the Consent Agreement is later declared void or otherwise  
24 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in force  
25 and effect.

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1  
2 **FINDINGS OF FACT**

3 1. The Board is the duly constituted authority for the regulation and control of  
4 the practice of allopathic medicine in the State of Arizona.

5 2. Respondent is the holder of license number 13491 for the practice of  
6 allopathic medicine in the State of Arizona.

7 3. The Board initiated case number MD-08-0900A after receiving a complaint  
8 regarding Respondent's care and treatment of a forty-six year-old male patient ("DC").

9 4. On July 9, 2007, DC presented to the emergency department (ED) where he  
10 was seen by Respondent for complaints of left chest and elbow pain. DC's medical history  
11 was significant for coronary artery disease with myocardial infarction (MI) and coronary  
12 stent placement five years prior. Respondent ordered an electrocardiogram, a chest x-ray  
13 and labs that were interpreted as normal. Respondent discharged DC with a diagnosis of  
14 chest wall pain; however, there was no documentation to support this diagnosis as  
15 Respondent did not perform an accurate history and physical examination. Specifically,  
16 Respondent did not document DC's quality, duration or reproducibility of pain; whether the  
17 pain was constant or intermittent; or whether the pain was similar to that of his prior MI.  
18 There also was no documentation of DC's past medical history of prior MI, stent placement  
19 or elevated cholesterol.

20 5. Approximately five hours later, DC returned to the ED with worsening chest  
21 pain and was admitted to the hospital. A subsequent cardiac catheter showed 95%  
22 stenosis of the right coronary artery just past the original stent.

23 6. The standard of care requires an examining physician to perform an accurate  
24 history and physical examination during the evaluation and medical screening examination  
25 process that included quality, duration or reproducibility of the patient's pain; whether the  
pain was constant or intermittent; or whether the pain was similar to that of prior MI.

1           7.     Respondent deviated from the standard of care because he did not perform  
2 an accurate history and physical examination during DC's initial ED visit.

3           8.     Having been discharged with what appeared to be acute coronary  
4 syndrome, DC could have possibly progressed to transmural MI, profound disability,  
5 cardiac arrest, or death.

6           9.     A physician is required to maintain adequate legible medical records  
7 containing, at a minimum, sufficient information to identify the patient, support the  
8 diagnosis, justify the treatment, accurately document the results, indicate advice and  
9 cautionary warnings provided to the patient and provide sufficient information for another  
10 practitioner to assume continuity of the patient's care at any point in the course of  
11 treatment. A.R.S. § 32-1401(2). Respondent's records were inadequate because there  
12 was no documentation to support a diagnosis of chest wall pain as Respondent did not  
13 document DC's quality, duration or reproducibility of pain; whether the pain was constant  
14 or intermittent; or whether the pain was similar to that of his prior MI.

15          10.    Respondent has completed 15 - 20 hours of Category I Continuing Medical  
16 Education (CME) in diagnosing heart problems. In addition, Respondent provided Board  
17 Staff with satisfactory proof of completion on or before June 3, 2009.

#### 18                           **CONCLUSIONS OF LAW**

19          1.     The Board possesses jurisdiction over the subject matter hereof and over  
20 Respondent.

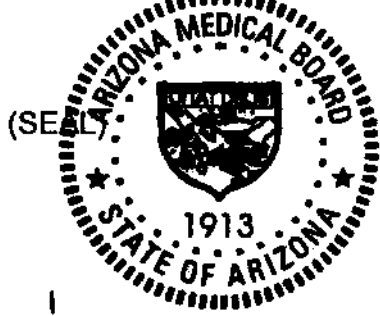
21          2.     The conduct and circumstances described above constitute unprofessional  
22 conduct pursuant to A.R.S. § 32-1401(27)(e) ("[f]ailing or refusing to maintain adequate  
23 records on a patient.") and A.R.S. § 32-1401(27)(q) ("[a]ny conduct or practice that is or  
24 might be harmful or dangerous to the health of the patient or the public.").  
25

**ORDER**

IT IS HEREBY ORDERED THAT:

1. Respondent is issued a Letter of Reprimand.
2. This Order is the final disposition of case number MD-08-0900A.

DATED AND EFFECTIVE this 4<sup>th</sup> day of June, 2009.



ARIZONA MEDICAL BOARD

By *Lisa S. Wynn*  
Lisa S. Wynn  
Executive Director

ORIGINAL of the foregoing filed  
this 4<sup>th</sup> day of June, 2009 with:

Arizona Medical Board  
9545 E. Doubletree Ranch Road  
Scottsdale, AZ 85258

EXECUTED COPY of the foregoing mailed  
this 4<sup>th</sup> day of June, 2009 to:

Scott Holden  
Holden & Armer, P.C.  
6101 S. Rural Road, Suite 118  
Tempe, Arizona 85283-2910

EXECUTED COPY of the foregoing mailed  
this 4<sup>th</sup> day of June, 2009 to:

Donovan J. Anderson, M.D.  
Address of Record

*Kenneth Corley*  
Investigational Review